



Crl.M.P.No.18875 of 2022 in Crl.A.No.1250 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.18875 of 2022

in

Crl.A.No.1250 of 2022

1. Naseer

2. Mumthaj Begum

... Petitioners

Vs.

State Rep. by

The Inspector of Police,

Kangayan Police Station,

Tirupur District.

Crime No.219 of 2015)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(ii) Cr.P.C. to suspend the sentence imposed in S.C.No.63 of 2016 passed by the Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court, Tiruppur dated 14.09.2022.

For Petitioners

: Mr.S.Shankar

For Respondent

: Mr.C.E.Pratap,
Gov. Advocate (Crl.Side)



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ORDER

The petitioners, who are accused in S.C.No.63 of 2016 on the file of the the Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur, seeks suspension of their sentence of imprisonment.

2. The Trial Court, by judgment dated 14.09.2022, convicted the petitioners/accused for the offence punishable under Sections 304(B), 316 IPC and sentenced them as under:

Conviction under Section	Sentence
304(B) IPC	Rigorous imprisonment for 7 years each and to pay a fine of Rs.1,000/- each, in default, to undergo Simple imprisonment for three months each.
316 IPC	Rigorous Imprisonment for 7 years each and to pay a fine of Rs.1,000/- each, in default, to undergo simple imprisonment for 3 months each

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioners are before this Court.



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4. The learned counsel for the petitioners submitted that there are arguable points in this appeal. He further submitted that already the petitioners paid the fine amount and now, they are in custody and hence, prayed for suspension of sentence.

5. Heard the learned Government Advocate(Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

6. Taking into consideration of the above submission of the learned counsels appearing on both sides, this Court finds that the petitioners have substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.



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(i) The substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail on condition that the petitioners *shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned the Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur.*

(ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioners shall appear before the Trial Court on the first working day of every month until the disposal of the Criminal Appeal.

14.12.2022
(2/2)

Note: Issue order copy on 14.12.2022

mst

To

1. The Sessions Judge, Magalir Neethimandram

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(Fast Track Mahila Court), Tiruppur

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2. The Central Prison, Coimbatore.
3. Women Prison, Coimbatore.
4. The Inspector of Police,
Kangeyan Police Station,
Tirupur District.
5. The Public Prosecutor,
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

mst

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